

17175 U S P T O
07/18/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF EXPRESS MAILING

I certify that this paper and the documents and/or fees referred to as attached thereto are being deposited with the United States Postal Service on July 18, 2003 in an envelope as "Express Mail Post Office to Addressee" under 37 CFR §1.10, Mailing Label Number EV332825121US, addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

Ryan Eachus

Ryan Eachus

Attorney Docket No.: CYTOP135

First Named Inventor: Larry C.
Mattheakis

21712 U.S.P.T.O.
10/623486
07/18/03

UTILITY PATENT APPLICATION TRANSMITTAL (37 CFR. § 1.53(b))

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir: This is a request for filing a patent application under 37 CFR. § 1.53(b) in the name of inventors:
**Larry C. Mattheakis, Jay Kenneth Trautman, Gregg Peter Solar, Jinhong Fan, Eugeni Vaisberg,
Cynthia Lynn Adams and Aibing Rao**

For: **PREDICTING HEPATOTOXICITY USING CELL BASED ASSAYS**

Assigned to: Cytokinetics, Inc.

Application Elements:

- 46 Pages of Specification, Claims and Abstract
- 7 Sheets of formal Drawings
- 3 Pages Combined Declaration and Power of Attorney - Unexecuted

Accompanying Application Parts:

- Do not publish this application. Nonpublication Request is attached.
- Assignment and Assignment Recordation Cover Sheet (recording fee of \$40.00 enclosed)
- 37 CFR 3.73(b) Statement by Assignee
- Information Disclosure Statement with Form PTO-1449
 - Copies of IDS Citations
- Preliminary Amendment
- Return Receipt Postcard
- Other:

Claim For Foreign Priority

- Priority of Application No. filed on
is claimed under 35 U.S.C. § 119.
- The certified copy is enclosed.
 The certified copy has been filed in prior application U.S. Application No. _____
 The certified copy will follow.

Fee Calculation (37 CFR § 1.16)

- Applicant is entitled to Small Entity Status under 37 C.F.R. §1.27.

| | (Col. 1) Total Claims | | (Col. 2) Claims | (Col. 3) Present Extra | Rate | Additional Fee |
|---|--------------------------|-------|--------------------|---------------------------|---------|----------------|
| TOTAL | | MINUS | 20 | = | x 18 = | |
| INDEP. | | MINUS | 3 | = | x 84 = | |
| [] First presentation of multiple dependent claim | | | | | \$280 = | |
| Basic Filing Fee under 37 C.F.R. §1.16(a) | | | | | \$750 = | |
| | | | | | TOTAL | |
| SMALL ENTITY 50% FILING FEE REDUCTION (if applicable) | | | | | | |

☒ PLEASE DEFER FILING FEES AT THIS TIME

- The Commissioner is authorized to charge any fees beyond the amount enclosed which may be required, or to credit any overpayment, to Deposit Account No. 500388 (Order No. _____).

General Authorization for Petition for Extension of Time (37 CFR §1.136)

- Applicants hereby make and generally authorize any Petitions for Extensions of Time as may be needed for any subsequent filings. The Commissioner is also authorized to charge any extension fees under 37 CFR §1.17 as may be needed to Deposit Account No. 500388 (Order No. CYTOP135).

- Please send correspondence to the following address:



Date: July 18, 2003


Stephanie L. Kwan
Registration No. 53,168

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Mattheakis et al.

Attorney Docket No.: CYTOP135

Application No.: NEW

Examiner: UNASSIGNED

Filed: HEREWITH

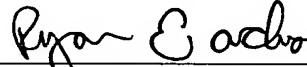
Group: UNASSIGNED

Title: PREDICTING HEPATOTOXICITY
USING CELL BASED ASSAYS

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Signed: _____



Ryan E. Eachus

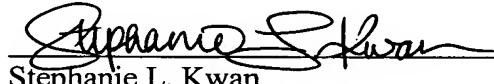
**NONPUBLICATION REQUEST AND CERTIFICATION
(35 U.S.C. 122(b)(2)(B)(i))**

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen (18) months after filing. I hereby request that the attached application NOT be published under 35 U.S.C. 122(b).

Date: 7/18/03



Stephanie L. Kwan
Registration No. 53,168

NOTE:

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application upon filing.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications, eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).